

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCUS ANDRE GARNER,

Plaintiff,

v.

RICK HILL, *et al.*,

Defendants.

Case No. 2:23-cv-00494-WBS-JDP (PC)

FINDINGS AND RECOMMENDATIONS

THAT THIS MATTER BE DISMISSED FOR FAILURE TO PROSECUTE AND COMPLY WITH COURT ORDERS

OBJECTIONS DUE WITHIN FOURTEEN DAYS

On November 29, 2023, I screened plaintiff's complaint and notified plaintiff that it did not state cognizable claims. ECF No. 20. I granted him thirty days to file either an amended complaint or an advisement indicating his intent to stand by his current complaint, subject to a recommendation of dismissal. Plaintiff had not responded by the deadline, thus, on February 5, 2024, I ordered him to show cause within twenty-one days why this action should not be dismissed. ECF No. 21. I warned him that failure to do so would result in a recommendation that this action be dismissed. *Id.* at 2.

The deadline has passed, and plaintiff has not filed an amended complaint or otherwise responded.

Accordingly, it is hereby RECOMMENDED that:

1. This action be dismissed without prejudice for failure to prosecute and failure to comply with court orders for the reasons set forth in the November 29, 2023 order.

1 2. The Clerk of Court be directed to close the case.

2 These findings and recommendations are submitted to the United States District Judge
3 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
4 service of these findings and recommendations, any party may file written objections with the
5 court and serve a copy on all parties. Such document should be captioned “Objections to
6 Magistrate Judge’s Findings and Recommendations.” Any response shall be served and filed
7 within fourteen days of service of the objections. The parties are advised that failure to file
8 objections within the specified time may waive the right to appeal the District Court’s order.

9 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
10 1991).

11 IT IS SO ORDERED.

12 Dated: March 18, 2024


13 _____
14 JEREMY D. PETERSON
15 UNITED STATES MAGISTRATE JUDGE